

**CITY OF FITCHBURG
CONSERVATION COMMISSION
DRAFT MEETING MINUTES**

TUESDAY, MARCH 31, 2009

COMMISSIONERS IN ATTENDANCE: Tom Starr, Chairman, Phil Chalifoux, Mike Donnelly, Harry Karis, John Koutonen, Kevin Sanders

STAFF IN ATTENDANCE: Tim Smith, Mike O'Hara

CALL TO ORDER: Meeting called to order at 6:00 p.m. in the Veteran's Room, First Floor, City Hall.

PUBLIC HEARINGS

Notice of Intent - "Balsam Heights" 20-lot subdivision, Fisher Rd. (continued from 2-24-09)

Chris Deloge recap – Planning Board had voted to approve 20-lot flexible development at last meeting. Decision & all the conditions not final & filed w/ City Clerk yet.

John K – filed with Lunenburg ConCom yet?

Chris: they will file when final sewer design is done showing sewer line extension into Lunenburg.

Chris had no issues with Kevin's review comments, except for mounding study for detention basin.

Discussion whether need for mounding study.

Kevin: if the construction of detention basin is bonded maybe not needed.

Chris: working on a final set of plans.

Is there phasing plan? Chris: only preliminary – install detention basin & drainage first.

Will have to submit w/ SWPP application, and will submit to ConCom for their review.

MD: is there objection to requiring base course and finish course of entire road before any building permits are issued?

Chris: no. The road is intended to remain a private way.

Kevin suggested site walk w/ neighbors, Commission, Planning Bd.

Mike O'Hara – Neighbor has raised possibility they there may be vernal pool on property. Worthwhile checking out?

Chris: nothing shows on Mass GIS data. Tom: Tim can check out site.

Hearing continued to the April 28th meeting for further discussion on phasing, final conditions.

Notice of Intent – N. E. Power Co., Structure Installation, Flagg Pond Substation, Old Princeton Road

Tim Sullivan of AECOM & Josh Holden from New England Power presented plan.

They need to realign power lines in the approach to the substation.

Tim: delineation is accurate. There is ILSF -- no hydraulic connection to wetland. But in high water it floods neighbor's property.

There is ditch surrounding substation, like a moat. Does not meet requirements for perennial stream.

Proposed tower installation is a Ltd. Project – the criteria in wetlands regulations were read.

Tim recommended approval and suggested haybales & silt fence on both sides of the tower structures.

Commission voted unanimously to issue Order of Conditions subject to those conditions.

Request for Determination of Applicability – Bachant, 317 Fisher Rd., addition

Daniel Bachant presented plan and photographs of site – proposed 36' x 32' addition w/ garage under. He's applying to ZBA for in-law apartment Special Permit as well.

Tim has been to site. Stream is an area subject to Commission jurisdiction but he doesn't see problem with proposal. Proposed work is within area that is already paved, no increase in impervious area.

Commission voted to issue Negative Determination with condition that line of silt fence/haybales is erected at limit of work to protect stream.

OTHER BUSINESS:

#155-413, Benjamin Bldrs., Victoria Lane – discussion with Gary Lorden about Cert. of Compliance. Gary said DEP, Whitman & Bingham and DPW-Engineering has signed off on site. He said if he is provided a punchlist, he'd be happy to correct items.

Tom: they had stated their concerns to Brian Milisci several months ago -- Commission had problem with wording of W&B's certification – want something more that “appears” to be in conformance with plan.

Discussion on status of open space noted on plan. Gary said it was offered to City – City not interested in accepting.

Mike D – ConCom is interested in accepting open space, but in its natural state.

Decided: Commission wants a P.E.'s certification that the site was built in accordance with approved plan.

Continued to April mtg.

Lots 11-14, Arn-How Farm Rd.

Commission was informed that the bank's auction of these lots scheduled for today was postponed to April 16th.

Dave Nickless, Arn-How Farm Rd. pointed out that the approved plan for the four lots included a strip of land 75 feet +/- deep at the rear of the lots that was to be conveyed from the Sumners and incorporated into Lots 11-14. That never happened. He urged the Commission to not approve a plan without the property in question being owned by the applicant or under a purchase & sale agreement.

He also pointed out that discussion at the 2006 meeting was that the applicant would replicate the stone wall, instead of placing stones one foot apart. Also he suggested that Commission should sign OOC after reviewing draft conditions.

Commission wants a fine on property owner for the continuing violation and a lien on property for cost of removing the fill and gravel driveway.

Certificates of Compliance were signed for:

- #155-403, Barone, 863 Mt. Elam Rd., septic repair
- #155-530, KRT (Nagle), 1353 Pearl Hill Rd., new dwelling
- #155-420, Giouard, 492 Westminster Hill Rd., new dwelling
- #155-453, Paine, 22 Stewart Rd., new dwelling

OTHER BUSINESS:

Commission was informed that Mass Highway confirmed that they will clean up area inside of the cloverleaf at Rt. 2 & 31 interchange, as discussed at February meeting, either as part of the Route 2 repaving job or they'll get Mass Highway maintenance to do it.

Commission was informed of offer from group at U.U. Church to clear brush from trails at Greene's Pond later in April. ConCom is OK w/ it. Checked w/ DPW -- can leave brush at side of road for DPW brush pick-up.

Comments on Lenny Laakso's tree policy submitted to Commission at last meeting – it should also refer to the Scenic Road Act.

Labell decision special conditions – needs to add language on easement and phasing plan.

Kevin: what is status of committee to come w/ management plan for Northern Watershed – will ask Water Dept.

323 Princeton Rd. - should address: erosions controls down, CB filled w/ silt. Not much progress has been made toward building what was on approved plan. Ask owner for status report.

Brickyard subdivision slope – erosion problems.
Suggested contacting bonding company to tell them no progress is being made.

Discussion on signs for wetlands boundaries. Kevin had several examples. Commission decided to go with smaller ones

Motion made & seconded to adjourn. Vote unanimous.

Meeting adjourned: 7:45 p.m.

Next meeting: April 28th